



DONALD L. WOLFE, Director

COUNTY OF LOS ANGELES**DEPARTMENT OF PUBLIC WORKS***"To Enrich Lives Through Effective and Caring Service"*900 SOUTH FREMONT AVENUE
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SSO Hearing - 2/8/06

ADDRESS ALL CORRESPONDENCE TO:
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January 18, 2006

IN REPLY PLEASE
REFER TO FILE: W-9Ms. Tam Doduc, Chair and Members
State Water Resources Control Board
Executive Office
1001 I Street, 24th Floor
Sacramento, CA 95814

Attention Selica Potter, Acting Clerk to the Board

Dear Chair Doduc and Members:

COMMENT LETTER - 1/19/06 PUBLIC HEARING FOR SSORP

The Los Angeles County Department of Public Works, on behalf of the Consolidated Sewer Maintenance District and the Marina Sewer Maintenance District of Los Angeles County (Districts), submits this letter to express its opposition to the proposed Statewide General Waste Discharge Requirements (WDR) and the accompanying Monitoring and Reporting Program, in their current form.

The Districts provide sewer maintenance services to an economically diverse population of more than two million people, covering 40 cities, and unincorporated areas within Los Angeles County.

We are in support of the State Water Resources Control Board (SWRCB) initiative to implement a Sanitary Sewer Overflow Reduction Program to reduce the number and volume of Sanitary Sewer Overflows throughout the State. However, there are some important issues in the draft proposal, which raised very serious concerns, and as such, we cannot support the adoption in its current form.

Specifically, the lack of Affirmative Defense language; unreasonable deadlines for implementation; and the extremely high cost of implementation.

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Affirmative Defense

We are recommending that the SWRCB include Affirmative Defense language in the proposed requirements. This is necessary to protect the Districts from unreasonable citizens or third-party lawsuits and from unfair fines and penalties. Toward this end, we recommend the inclusion of the following language in the document:

"Sanitary Sewer Overflows caused by unforeseen circumstances such as acts of vandalism, extreme wet weather, earthquakes, or other acts of God shall not be considered a violation of this Order if the enrollee has adopted an appropriately developed Sanitary Sewer Management Plan and has demonstrated due diligence in the implementation of the plan. However, this does not preclude the requirement of a written report, at the regulatory agency's discretion, documenting appropriate remedial measures."

Implementation Schedule

The time schedule, as drafted, is much too short to successfully implement key elements of the program. We are recommending that the SWRCB eliminate the separate deadlines for individual program elements and take into consideration the budgeting, hiring, and purchasing rules and regulations that local agencies must follow to procure equipment and to secure contracts and the time needed to recruit and train the personnel required to accomplish these tasks. For example:

- Under the State Proposition 218 requirements it takes up to six months for a proposed sewer service charge rate increase to take effect. Once a new fee is imposed, it takes additional time to generate sufficient funds to support new programs.
- It takes about two years to budget for, purchase, and receive specialized sewer maintenance equipment such as hydro-vactor and closed-circuit television trucks that are not readily available and typically built to order.
- It also takes not less than eight months to hire and train personnel on the proper use of most specialized equipment.

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Funding

To assist the Districts' customers in defraying the costs of these unfunded State mandates, we are recommending that the State make some serious efforts to identify other possible sources of funding.

Since July 1978, the operations and maintenance of the Districts' sewer infrastructure have been financed solely by the imposition of sewer service charges on the Districts' customers. The current basic annual sewer service charge for an equivalent single-family dwelling, is \$30.50 for the Consolidated Sewer Maintenance District and \$120 for the Marina Sewer Maintenance District. The projected additional \$72 annual cost per household to implement the Statewide WDR, as presented in the SWRCB fact sheet, may prove to be a major financial burden to a significant number of Districts' customers. Based upon the U.S. Census Bureau (2000) data, about 14.4 percent of Los Angeles County's population is below the poverty level. This figure represents approximately 120,000 households that could not afford such a drastic rate increase.

The Los Angeles County Department of Public Works strongly appeals to the SWRCB not to adopt the proposed Statewide General Waste Discharge Requirements and the accompanying Monitoring and Reporting Program, without 1) the Affirmative Defense provisions or at minimum stronger enforcement discretionary language in the documents to better protect the Districts and ultimately the Districts' customers from unfair and unreasonable potential fines and third-party litigation, 2) allowing additional time for wastewater collection system agencies to successfully develop and implement the program, and 3) an effort by the State to defray the costs.

Very truly yours,

DONALD L. WOLFE
Director of Public Works



MANUEL DEL REAL
Assistant Deputy Director
Waterworks and Sewer Maintenance Division

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cc: Chief Administrative Office (David E. Janssen)
Consolidated Sewer Maintenance District Cities
Department of Beaches and Harbors (Stan Wisniewski)
Department of Parks and Recreation (Russ Guiney)



LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS

TELECOPY COVER SHEET

DATE: 1/19/06

TIME: _____

TO:

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Agency: State Water Resources Control Board

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REMARKS: _____

